

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SEAPOINT SHIPPING, LTD.,	:	
	:	
Plaintiff,	:	20-CV-6908 (JMF)
	:	
-v-	:	<u>ORDER</u>
	:	
OCEANCONNECT MARINE, INC., et al.,	:	
	:	
Defendants.	:	
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JESSE M. FURMAN, United States District Judge:

On October 1, 2020, Defendant Minerva Bunker (USA) LLC (“Minerva”) filed an answer. On October 2, 2020, Defendant OceanConnect Marine Inc. (“OceanConnect”) filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **October 23, 2020**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant OceanConnect shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Plaintiff does amend, by the same date, Defendant Minerva shall (1) file a new answer; (2) file a motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed answer. If Defendant OceanConnect files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendants file a new motion to dismiss, any


opposition shall be filed within fourteen days, and any reply shall be filed within seven days of any opposition.

If no amended complaint is filed, Plaintiff shall file any opposition to the motion to dismiss by **October 23, 2020**. Defendant OceanConnect's reply, if any, shall be filed by **October 30, 2020**.

In addition, Defendant OceanConnect's motion to strike a declaration filed on October 2, 2020, which inadvertently contained unredacted commercially sensitive information, is GRANTED for substantially the reasons stated in OceanConnect's motion. *See* ECF No. 21. Accordingly, and because counsel re-filed the documents with the necessary redactions, the Clerk of Court is directed to strike the PDF linked to ECF No. 18 from the docket and to terminate ECF No. 21.

SO ORDERED.

Dated: October 5, 2020
New York, New York



JESSE M. FURMAN
United States District Judge